

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
HAROLD L. VAN ARNEM

Plaintiff(s)

ANSWER

- against -

Docket No. 07-CV- 11373  
(JGK)

BYRON LARKINS

Defendant(s)

Defendant(s) Byron Larkins, by the undersigned answering the VERIFIED complaint of the plaintiff(s), upon information and belief, states as follows:

ANSWERING A FIRST CAUSE OF ACTION

FIRST: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: 1, 2, 3, 10, 16.

SECOND: Denies each and every allegation contained in paragraphs numbered and designated as: 5, 6, 11, 13, 14, 15, 17, 18, 19.

THIRD: Admits each and every allegation contained in paragraphs numbered and designated as: 4, 7, 8, 9, 12.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE – COMPARATIVE NEGLIGENCE

The personal injuries and/or property damage alleged to have been sustained by the plaintiff(s) were caused entirely or in part through the culpable conduct attributable to the plaintiff(s) and the defendant seeks a dismissal or reduction in any recovery had by the plaintiff in the proportion which the culpable conduct attributable to the plaintiff(s) bears to the culpable conduct which caused the damages.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE –COLLATERAL SOURCE

The costs incurred, or paid by plaintiff(s), if any, for medical care, dental care, custodial care or rehabilitation services, loss of earning or other economic loss, in the past or future, were or will, with reasonable certainty be replaced or indemnified, in whole or in part, from a collateral source of the type described in CPLR Section 4545 and defendant is entitled to have any award reduced in the amount of such payments..

WHEREFORE, defendant(s) demand(s) judgment dismissing the plaintiff(s) complaint herein together with the costs and disbursements of this action.

DATED: WESTBURY, NEW YORK  
JANUARY 10, 2008

---

John W. Kondulis, Esq. (JK4978)  
JAMES G. BILELLO & ASSOCIATES (JB7226)  
Attorneys for Defendant(s)  
Byron Larkins  
875 Merrick Avenue  
Westbury, New York 11590  
(516) 229-4312  
Our File No. 08K0022  
Claim No:0325045980101011 (J223)

TO:

Jaroslawicz & Jaros, LLC  
Attorneys for Plaintiff(s)  
Harold L. Van Arnem  
225 Broadway 24<sup>th</sup> Floor  
New York, NY 10038  
212-227-2780

Index No. 07-CV- 11373 (JGK)  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
HAROLD L. VAN ARNEM

Year:

Plaintiff(s)

- against -

ANSWER

BYRON LARKINS

Defendant(s)

JAMES G. BILELLO & ASSOCIATES  
Attorneys for the Defendant(s)  
Byron Larkins  
Office and Post Office Address  
875 Merrick Avenue  
Westbury, New York 11590  
(516) 229-4312

---

To:

Jaroslawicz & Jaros, LLC  
Attorneys for Plaintiff(s)  
Harold L. Van Arnem  
225 Broadway  
24th floor  
New York, NY 10038  
212-227-2780

---

Due and timely service of a copy of the within Verified Answer is hereby admitted.  
Dated January 10, 2008

Attorney(s) for Byron Larkins

---

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK) SS.:  
COUNTY OF NASSAU )

Joan Panzella, being duly sworn, deposes and says that she is over the age of 18 years, that on the \_\_\_\_\_ day of January, 2008 she served the annexed VERIFIED ANSWER upon the following named attorneys and parties:

TO:

Jaroslawicz & Jaros, LLC  
Attorneys for Plaintiff(s)  
Harold L. Van Arnem  
225 Broadway  
24th floor  
New York, NY 10038  
212-227-2780

by depositing true copies thereof in a post box maintained by the United States Postal authorities, enclosed in securely closed post-paid wrappers addressed to the above-named attorney(s) and party(s) listed above; that being the addresses designated by them as ascertained by deponent from the file maintained in the office of the attorneys for the Defendant(s) herein.

---

Joan Panzella

Sworn to before me this  
\_\_\_\_\_ day of January, 2008

---

Notary Public